

267 CMR 3.00: LICENSURE REQUIREMENTS AND PROCEDURES

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3.01: General Licensure Requirement

On or after September 1, 2001, no person shall engage in the practice of perfusion services; perform or offer to perform perfusion services; use the title “perfusionist” or any derivative or abbreviation thereof; make any written, oral or electronic representation that he or she is a perfusionist; or otherwise hold himself or herself out to the public as a perfusionist or as able to engage in the practice of perfusion services, unless he or she has first obtained a license to practice as a perfusionist or provisionally licensed perfusionist from the Board pursuant to M.G.L. c. 112, § 216 and 267 CMR 3.00.

3.02: Exceptions to General Licensure Requirement

(1) Exception for Services Provided Pursuant to Another Professional License. Nothing in 267 CMR 3.01 *et seq.* shall be construed to prohibit, prevent or otherwise restrict any person who is duly licensed or registered by any agency of the Commonwealth of Massachusetts to practice a particular profession or occupation from engaging in any activity which is within the lawful scope of practice for that profession or occupation if:

- (a) He or she does not represent to the public in any manner, either directly or indirectly, that he or she is licensed to practice as a perfusionist pursuant to 267 CMR 3.00 *et seq.*; and
- (b) He or she does not use any name, title, or designation of any kind which indicates, either directly or indirectly, that he or she is licensed to practice as a perfusionist pursuant to 267 CMR 3.00 *et seq.*

(2) Exception for Certain Limited Services Performed by Unlicensed Personnel.

(a) Notwithstanding any provision of 267 CMR 3.01 *et seq.*, an individual who is not duly licensed or registered by any agency of the Commonwealth of Massachusetts to practice a particular profession or occupation may nevertheless perform any of the following functions or services, as long as he or she does so pursuant to a delegation of medical services by a physician duly licensed to practice medicine in the Commonwealth of Massachusetts, and as long as he or she does so in accordance with the requirements of 267 CMR 3.02(2)(b):

- 1. Use or performance of autotransfusion in accordance with the requirements of 267 CMR 3.02(6);
- 2. Use or performance of blood conservation techniques;
- 3. Use or performance of physiologic monitoring;
- 4. Performance of anticoagulation monitoring;
- 5. Performance of blood gas and blood chemistry monitoring and/or analysis; or
- 6. Performance of hematologic monitoring and/or analysis.

(b) An unlicensed individual may perform any of the functions or services specified in 267 CMR 3.02(2)(a) pursuant to a delegation of medical services by a duly licensed physician only if:

- 1. He or she is performing that function or service pursuant to a delegation of medical services by a physician duly licensed by the Massachusetts Board of Registration in Medicine to practice medicine in the Commonwealth of Massachusetts;

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2. The licensed physician who delegates the performance of that function or service to the unlicensed individual in question does so in accordance with the regulations of the Massachusetts Board of Registration in Medicine.
 3. The licensed physician who delegates the performance of that function or service to the unlicensed individual in question has determined, in the reasonable exercise of sound professional judgment, that the unlicensed individual in question possesses sufficient skill and training to be able to perform that function or service in accordance with accepted standards of medical practice;
 4. The unlicensed individual performs the function or service in question in accordance with accepted standards of medical practice and under the direct, personal, on-site supervision of the licensed physician making that delegation of medical services;
 5. The unlicensed individual performing the function or service does not represent to the public in any manner, either directly or indirectly, that he or she is licensed to practice as a perfusionist pursuant to 267 CMR 3.00 *et seq.*; and
 6. The unlicensed individual performing the function or service does not use any name, title, or designation of any kind which indicates, either directly or indirectly, that he or she is licensed to practice as a perfusionist pursuant to 267 CMR 3.00 *et seq.*.
- (3) Exception for Federal Government Employees. A person who is employed as a perfusionist by the United States Government, or by any agency thereof, shall not be required to obtain a license to practice perfusion from the Board as long as he or she performs or provides all such perfusion services solely under the direction and control of the federal governmental agency by whom he or she is employed.
- (4) Temporary Practice Exception. A person who is certified by the American Board of Cardiovascular Perfusion and who wishes to perform perfusion services within the Commonwealth of Massachusetts on a temporary basis may do so without obtaining a license to practice perfusion from the Board, as long as:
- (a) He or she provides all such perfusion services in association with a perfusionist who holds a full license issued by the Board pursuant to 267 CMR 3.03, 267 CMR 3.04, or 267 CMR 3.05 and who shall be responsible for all acts and omissions of that temporary practitioner; and
 - (b) He or she provides such perfusion services for not more than 14 days in any calendar year.
- (5) Student Practice Exception. A student who is enrolled in a perfusion education program may perform perfusion services within the Commonwealth of Massachusetts without having first obtained a license to practice perfusion from the Board, as long as:
- (a) He or she is enrolled in a perfusion education program which meets the educational standards established by the Accreditation Committee for Perfusion Education and which has been approved by the Commission on Accreditation of Allied Health Education Programs, or which has otherwise been approved by the Board;
 - (b) He or she is performing all such perfusion services as an integral part of his or her course of study in that perfusion education program;
 - (c) He or she performs all such perfusion services under the direct supervision of a perfusionist who has been duly licensed by the Board pursuant to 267 CMR 3.03, 3.04, or 3.05;
 - (d) The licensed perfusionist who is providing supervision to the student pursuant to 267 CMR 3.02(5)(c) has been specifically assigned to provide such supervision to that student, and is on duty and immediately available in the same room in which the student is performing or providing the perfusion services; and
 - (e) The student is designated and identified by a title which clearly indicates his or her status as a student or trainee.
- (6) Exception for Persons Performing Autotransfusion Services. A person who is performing autotransfusion services, as defined in the clinical practice guidelines of the American Association of Blood Banks, may do so within the Commonwealth of Massachusetts without obtaining a license to practice as a perfusionist from the Board, as long as:

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- (a) He or she possesses an appropriate level of training in the performance of autotransfusion services, as determined by the clinical practice guidelines of the American Association of Blood Banks;
- (b) He or she performs all such autotransfusion services in accordance with the clinical practice guidelines of the American Association of Blood Banks; and
- (c) He or she performs all such autotransfusion services under the direct supervision of a physician duly licensed by the Massachusetts Board of Registration in Medicine.

3.03: Licensure by Grandparenting

- (1) Any person who is or was actively engaged in the practice of perfusion within the Commonwealth of Massachusetts prior to September 1, 2001 may obtain a license from the Board to practice as a perfusionist if he or she submits to the Board, on or before September 1, 2001, a properly-completed application for such licensure, accompanied by all of the following:
 - (a) Satisfactory written proof that he or she has at least five years of experience in operating cardiopulmonary bypass systems during cardiac surgery, all of which was obtained during the period beginning on September 1, 1991 and ending on September 1, 1999;
 - (b) Satisfactory written proof that he or she is actively engaged in the practice of perfusion as of the date of his or her application;
 - (c) Satisfactory written proof that he or she is at least 18 years of age;
 - (d) Satisfactory written proof that he or she is of good moral character; and
 - (e) Payment of the licensure fees prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.
- (2) A person who is unable to meet all of the requirements for licensure by grandparenting set forth in 267 CMR 3.03(1) solely because some or all of his or her experience in the operation of cardiopulmonary bypass systems during cardiac surgery was obtained either prior to September 1, 1991 or after September 1, 1999 may obtain a license to practice perfusion from the Board by meeting the requirements set forth in 267 CMR 3.04.
- (3) A person who would otherwise meet the requirements for licensure by grandparenting set forth in 267 CMR 3.03(1), but who fails to file his or her application for licensure by grandparenting on or before September 1, 2001, shall be ineligible for licensure by grandparenting, and shall be granted a license to practice as a perfusionist only if he or she meets all of the requirements of 267 CMR 3.04.

3.04: General Requirements for Full Licensure

A person who is unable to meet the requirements for licensure by grandparenting set forth in 267 CMR 3.03 may be granted a license to practice as a perfusionist if he or she submits to the Board a properly-completed application for such licensure, accompanied by all of the following:

- (1) Satisfactory written proof that he or she is a graduate of a perfusion education program which meets the educational standards established by the Accreditation Committee for Perfusion Education and which has been approved by the Commission on Accreditation of Allied Health Education Programs, or which has otherwise been approved by the Board;
- (2) Satisfactory written proof that he or she holds a certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion, which is current and valid as of the date of his or her application to the Board for licensure;
- (3) Satisfactory written proof that he or she is at least 18 years of age;
- (4) Satisfactory written proof that he or she is of good moral character; and
- (5) Payment of the licensure fees prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

3.05: Licensure by Endorsement

A person who holds a current, valid license, registration or certification as a perfusionist issued under the laws of another state, territory or political subdivision of the United States (including but not limited to the District of Columbia or the Commonwealth of Puerto Rico) may be granted a license to practice perfusion in the Commonwealth of Massachusetts by the Board if:

- (1) The requirements for the license, registration or certification held by that applicant in that other state, territory or political subdivision are substantially equivalent, in the opinion of the Board, to the licensure requirements set forth in 267 CMR 3.04(1) and 3.04(3) through (5); or
- (2) The applicant holds a current, valid certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion in addition to the license, registration or certification issued by that state, territory or political subdivision.

3.06: Provisional Licensure

(1) A provisional license to practice perfusion may be issued by the Board to any of the following individuals, as long as the applicant meets all of the requirements of 267 CMR 3.06(2) through (6):

- (a) An individual who has successfully completed a perfusion education program which meets the requirements of 267 CMR 3.04(1), but who has not yet taken the perfusionist certification examination administered by the American Board of Cardiovascular Perfusion;
- (b) An individual who has successfully completed a perfusion education program which meets the requirements of 267 CMR 3.04(1), and who has taken the perfusionist certification examination administered by the American Board of Cardiovascular Perfusion, but who has not yet received the results of that examination; or
- (c) An individual who is seeking reinstatement of his or her certification as a clinical perfusionist by the American Board of Cardiovascular Perfusion after that certification expired or otherwise became invalid for reasons other than disciplinary action by the Board or by the applicable licensing authority in another state, territory or political subdivision of the United States.

(2) An individual who applies for a provisional license to practice perfusion may be granted that provisional license if:

- (a) He or she submits a properly-completed application for such provisional licensure on forms furnished by the Board for that purpose, accompanied by payment of the fee prescribed for such provisional licensure by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B;
- (b) His or her application for provisional licensure contains the name, business address, license number and signature of a duly licensed perfusionist who holds a current, valid full license to practice perfusion issued by the Board pursuant to 267 CMR 3.03, 3.04 or 3.05, and who has agreed to serve as the supervising licensed perfusionist for the applicant and provide the supervision required by 267 CMR 3.06(7);
- (c) He or she submits written proof satisfactory to the Board that he or she meets all of the requirements for licensure as a perfusionist set forth in 267 CMR 3.04 except for passage of the perfusionist certification examination administered by the American Board of Cardiovascular Perfusion;
- (d) He or she submits written proof satisfactory to the Board that he or she has registered for, and has been determined to be eligible to take, the next available administration of the perfusionist certification examination administered by the American Board of Cardiovascular Perfusion.

(3) A provisional license issued pursuant to 267 CMR 3.06(2) shall be valid for a period of up to one year from the date on which it was issued by the Board, or until the person to whom it was issued is notified of his or her score on the perfusionist certification examination administered by the American Board of Cardiovascular Perfusion, whichever comes first.

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- (a) In the event that the person holding that provisional license attains a passing score on the perfusionist certification examination, the holder of that provisional license shall file an application for full licensure pursuant to 267 CMR 3.04 not later than 60 days after he or she is notified of his or her passing score on the examination. If the application for full licensure is filed on time, the provisional license shall remain valid and in effect until such time as the Board has issued a permanent license to practice as a perfusionist to that person.
 - (b) In the event that the person holding that provisional license has failed to attain a passing score on the perfusionist certification examination, the provisional license shall automatically expire, unless the holder of that provisional license files an application for, and obtains, an extension of that provisional license from the Board pursuant to 267 CMR 3.06(4) not later than 30 days after he or she receives notification of the results of the examination.
- (4) An extension of a provisional license may be granted by the Board for a period not to exceed one year if the holder of the provisional license submits a properly-completed application for extension of that provisional license to the Board, accompanied by:
- (a) Satisfactory written proof that the applicant has registered for the next available administration of the perfusionist certification examination administered by the American Board of Cardiovascular Perfusion;
 - (b) Satisfactory written proof that the applicant has not previously failed the perfusionist certification examination administered by the American Board of Cardiovascular Perfusion more than once since he or she first obtained his or her provisional license;
 - (c) The name, business address, license number and signature of a duly licensed perfusionist who holds a current, valid full license to practice perfusion issued by the Board pursuant to 267 CMR 3.03, 3.04 or 3.05, and who has agreed to serve as the supervising licensed perfusionist for the applicant and provide the supervision required by 267 CMR 3.06(7); and
 - (d) Payment of the fee prescribed for the extension of that provisional license by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.
- (5) If the holder of a provisional license obtains an extension of that provisional license pursuant to 267 CMR 3.06(4), that provisional license shall remain valid and in effect until the results of the next administration of the perfusionist certification examination are published. In the event that the holder of the extended provisional license fails that second administration of the perfusionist certification examination, he or she shall cease practice as a perfusionist immediately upon receipt of the examination results, and shall not resume practice as a perfusionist until such time as he or she has attained a passing score on the perfusionist certification examination and obtained a full license from the Board pursuant to 267 CMR 3.04 or 3.05.
- (6) In no event shall any individual be issued more than one provisional license or more than one extension thereof.
- (7) A person who performs or provides perfusion services pursuant to a provisional license issued or extended pursuant to 267 CMR 3.06(2) or 3.06(4) shall perform or provide all such services under the supervision and direction of a perfusionist who holds a full license to practice perfusion issued by the Board pursuant to 267 CMR 3.03, 3.04 or 3.05. The fully-licensed perfusionist providing such supervision and direction shall be responsible for providing a level of supervision and direction sufficient to ensure that the holder of the provisional license performs or provides all such perfusion services in accordance with generally-accepted standards of proper professional practice. In particular:
- (a) The fully-licensed perfusionist providing supervision and direction for the holder of a provisional license shall be responsible for assessing and documenting the professional competence, skill and experience of the holder of that provisional license;
 - (b) The fully-licensed perfusionist providing such supervision and direction shall be responsible for determining the nature and level of supervision required for the holder of the provisional license, based upon his or her assessment of the provisional licensee's level of competence, skill and experience;
 - (c) The fully-licensed perfusionist providing such supervision and direction shall not be required to provide direct, on-site supervision at all times, but shall be immediately and

readily available for consultation and assistance whenever the provisional licensee is performing or providing perfusion services; and

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(d) The fully-licensed perfusionist and the provisional licensee he or she supervises shall meet at least weekly to review the provisional licensee's clinical and administrative practices. A written record of such supervision meetings shall be kept by the supervising fully-licensed perfusionist, and shall be made available to any duly-authorized representative of the Board upon request.

3.07: Term of License

A full license to practice perfusion issued by the Board shall be valid from the date it is issued until September 1 of the next odd-numbered calendar year, unless it is revoked, suspended or cancelled earlier as a result of a disciplinary proceeding instituted pursuant to 267 CMR 4.00.

3.08: Renewal, Lapse and Reinstatement of Licenses

(1) Renewal Prior to Expiration Date. An individual who holds a license to practice perfusion issued by the Board may renew that license, on or before its expiration date, by filing a properly-completed license renewal application, on forms furnished by the Board for that purpose, and paying the license renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

(2) Renewal within First Two Years after Expiration Date. An individual who fails to renew his or her license to practice perfusion prior to the expiration date printed on that license, but who seeks renewal of that license not more than two years after that expiration date, may obtain renewal of that license by:

- (a) Filing a properly-completed application for license renewal on a form furnished by the Board for that purpose;
- (b) Paying the license renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B;
- (c) Paying the additional late renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B; and
- (d) Submitting satisfactory written proof that he or she holds current, valid certification as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion.

(3) Reinstatement More Than Two Years after Expiration Date. An individual who fails to renew or reinstate his or her license to practice perfusion within two years after the expiration date printed on that license may obtain reinstatement of that license only by:

- (a) Filing a properly-completed license reinstatement application with the Board on forms furnished by the Board for that purpose;
- (b) Paying the license reinstatement fee and late renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B;
- (c) Submitting satisfactory written proof that he or she holds current, valid certification as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion; and
- (d) Furnishing the Board with a satisfactory written explanation of the reasons for his or her failure to renew the license in a timely manner.

(4) Continuing Education Required for Renewal or Reinstatement. No individual may, under any circumstances, renew or reinstate his or her license to practice perfusion unless and until he or she has completed all of the continuing education required for renewal or reinstatement of that license as required by 267 CMR 3.10.

3.09: Application Procedures; Applicant and Licensee Responsibilities

(1) All applications for licensure to practice perfusion in the Commonwealth of Massachusetts shall be made on forms furnished by the Board or its designee for that purpose, and shall be made in accordance with all instructions and procedures prescribed by the Board.

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(2) Applicants shall be responsible for ensuring that any and all information provided to the Board or its designee in connection with any application for licensure is accurate and complete. An applicant shall notify the Board or its designee, in writing, of any and all material changes in any information provided to the Board in connection with his or her license application which may occur during the license application process.

(3) An applicant may be required to submit to the Board such additional information as the Board may reasonably require in order to determine whether the applicant is qualified and/or suitable for licensure. The Board may require such an applicant to provide such information either in person or in writing. Failure to respond to or cooperate with such requests shall constitute grounds for denial of the application.

(4) An applicant shall be notified in writing of any deficiency in his or her application for licensure. Upon receipt of such notice, an applicant shall have 30 days in which to correct the deficiency and/or submit any missing or incomplete information, unless a longer period is granted by the Board in writing. Failure to submit missing or corrected information within the prescribed time period shall constitute grounds for denial of the application.

(5) Applicants shall be responsible for payment of all fees and charges required for licensing examinations, processing of license applications and/or issuance of licenses. All such fees and charges are non-refundable, unless otherwise indicated by the Board or its designee in writing.

(6) A licensee shall furnish the Board, in writing, with his or her business address and a mailing address at which he or she can be contacted by the Board. A licensee shall also notify the Board, in writing, of any change in his or her name, business address or mailing address, as listed in the licensure records of the Board. Failure to do so shall not excuse the licensee from his or her obligation to renew his or her license in a timely manner, as required by 267 CMR 3.08.

3.10: Continuing Education Requirements for License Renewal or Reinstatement

(1) An individual who holds a license to practice perfusion issued by the Board shall, as a condition for renewal or reinstatement of that license, comply with the following continuing education requirements:

(a) An individual who is, or has been, certified as a clinical perfusionist by the American Board of Cardiovascular Perfusion shall complete sufficient continuing education courses, programs or activities approved by the American Board of Cardiovascular Perfusion, and shall document the performance of perfusion services in a sufficient number of cases as required by the ABCP, to maintain or reinstate that certification. Such licensees shall submit to the Board, along with their license renewal application or license reinstatement application, satisfactory written proof that their certification as a clinical perfusionist by the American Board of Cardiovascular Perfusion is current and valid as of the date of their renewal or reinstatement application.

(b) An individual who obtained his or her license to practice perfusion from the Board pursuant to 267 CMR 3.03 or 3.05(1) and who has not been certified as a clinical perfusionist by the American Board of Cardiovascular Perfusion shall:

1. Complete at least 30 hours of continuing education in courses, programs or activities approved for continuing education credit by the American Board of Cardiovascular Perfusion; and
2. Document the performance of perfusion services in at least 80 cases for each licensure period which has elapsed since the date of their last license renewal.

Such licensees shall submit to the Board, along with their license renewal application or license reinstatement application, satisfactory written proof of successful completion of those continuing education courses, programs or activities and satisfactory written documentation of their perfusion case participation. Such proof shall be submitted on forms provided by the Board for that purpose.

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(2) Upon written request by the Board, a licensed perfusionist shall furnish to the Board such additional information as the Board may reasonably require about any or all continuing education courses, programs or activities completed by said licensee. Failure or refusal to provide timely proof of completion of the number of continuing education hours required by 267 CMR 3.10 upon the request of the Board shall constitute grounds for disciplinary action by the Board.

(3) Falsification of reports of continuing education courses, programs, or activities, or misrepresentation of any material fact concerning the completion of such continuing education programs, by any licensee shall constitute grounds for disciplinary action by the Board.

REGULATORY AUTHORITY

267 CMR 3.00: M.G.L. c. 112, § 219.